

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Gallo et al.
Serial No. : 09/375,924
For : GENERATION OF MODIFIED MOLECULES
WITH INCREASED SERUM HALF-LIVES
Filed : August 17, 1999
Examiner : Marianne DiBrino, Ph.D.
Group : 1644

Palo Alto, CA
January 15, 2001

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY
WITH SEQUENCE LISTING REQUIREMENTS

Sir:

In response to the Communication mailed December 19, 2000 with respect to the above-referenced application, setting a one (1) month period for response, applicants file herewith a substitute paper copy of the "Sequence Listing" and a substitute computer readable form (CRF) of the "Sequence Listing". The content of the paper and CRF copies are the same and include no new matter.

Applicants take this opportunity to bring to the Office's attention that the perceived error in the Sequence Listing as earlier filed (November 13, 2000) - i.e., designation of "organism" in field <213> as "Artificial/Unknown", rather than "artificial" or "unknown" - was occasioned by selection of "Artificial/Unknown" as a "standard" organism in the pull-



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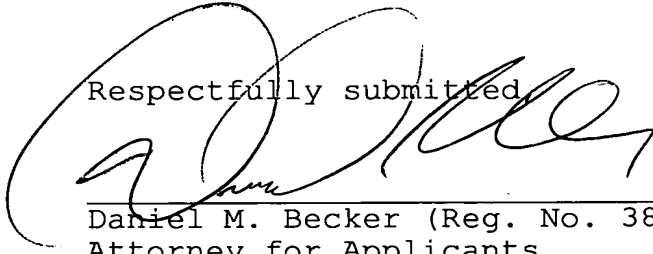
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down menu in the PTO's own PatentIn program (vers. 3.0). Applicants further note that the PatentIn program (vers. 3.0) fully validated the sequence listing in that format. PatentIn vers. 3.0 would, therefore, appear to be noncompliant with current regulations.

Applicants further note that the USPTO's Checker program (vers. 3.0), fully validated the prior-filed Sequence Listing, rendering Checker (vers. 3.0) noncompliant with current regulations as well.

Respectfully submitted,

15 JAN 2001


Daniel M. Becker (Reg. No. 38,376)
Attorney for Applicants
c/o FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, NY 10020
650.617.4000 (California)

Whereby Certify that this
Correspondence is being
Deposited with the U.S.
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COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231, ON

01-15-2001

LILY X. JIANG


Signature of Person Signing



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097375,924	08/17/99	GALLU	M ABGX-2-CIT

DANIEL M BECKER
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104

HM11/1219

EXAMINER
DIERINO, M

ART UNIT 1644	PAPER NUMBER
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DATE MAILED: 12/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/375,924			



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EXAMINER	
ART UNIT	PAPER NUMBER
	11

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The communication filed on 11/20/00 is not fully responsive to the communication mailed 11/03/00 for the reason(s) set forth on the attached Raw Sequence Listing Error Report.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **Marianne DiBrino**, Art Unit 1644, whose telephone number is **703-308-0061**.

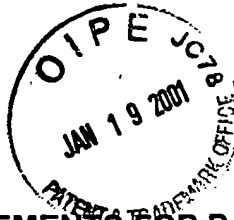
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Marianne DiBrino

Marianne DiBrino, Ph.D.

Christina Chan
CHRISTINA Y. CHAN
SUPERVISORY PATENT EXAMINER
GROUP 1800 1640

Application No.: 09/375,924



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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

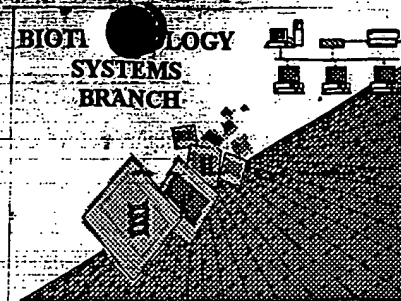
- ☒ An ~~initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An ~~initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support (SIRA)
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

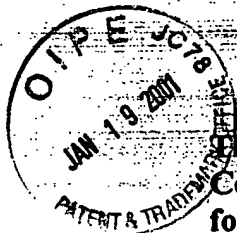
**RAW SEQUENCE LISTING
ERROR REPORT**



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The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/375,924A

Source: 1644

Date Processed by STIC: 11/30/2000

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DEC 14 2000

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THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin30help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

1644



RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/375,924A

DATE: 11/30/2000
TIME: 11:13:26

Input Set : A:\abgx-2 cip.ST25.txt
Output Set: N:\CRF3\11302000\I375924A.raw

Does Not Comply
Corrected Diskette Needed

3 <110> APPLICANT: Gallo, Michael
4 Foord, Orit
5 Jungbans, Richard
7 <120> TITLE OF INVENTION: GENERATION OF MODIFIED MOLECULES WITH INCREASED SERUM HALF-LIVES
9 <130> FILE REFERENCE: ABGX-2 CIP
11 <140> CURRENT APPLICATION NUMBER: US 09/375,924A
12 <141> CURRENT FILING DATE: 1999-08-17
14 <150> PRIOR APPLICATION NUMBER: US 60/096,868
15 <151> PRIOR FILING DATE: 1998-08-17
17 <160> NUMBER OF SEQ ID NOS: 10
19 <170> SOFTWARE: PatentIn version 3.0
21 <210> SEQ ID NO: 1
22 <211> LENGTH: 16
23 <212> TYPE: PRT
24 <213> ORGANISM: homo sapiens
26 <400> SEQUENCE: 1
28 Ala Glu Pro Lys Ser Cys Asp Lys Thr His Thr His Thr Cys Pro Pro
29 1 5 10 15
31 <210> SEQ ID NO: 2
32 <211> LENGTH: 16
33 <212> TYPE: PRT
34 <213> ORGANISM: Artificial/Unknown
36 <220> FEATURE:
37 <221> NAME/KEY: misc_feature
38 <222> LOCATION: (...)
39 <223> OTHER INFORMATION: modified
42 <400> SEQUENCE: 2
44 Ala Glu Pro Lys Ser Ser Asp Lys Thr His Thr His Thr Cys Pro Pro
45 1 5 10 15
47 <210> SEQ ID NO: 3
48 <211> LENGTH: 12
49 <212> TYPE: PRT
50 <213> ORGANISM: Homo sapiens
52 <400> SEQUENCE: 3
54 Glu Ser Lys Tyr Gly Pro Pro Cys Pro Ser Cys Pro
55 1 5 10
57 <210> SEQ ID NO: 4
58 <211> LENGTH: 12
59 <212> TYPE: PRT
60 <213> ORGANISM: Homo sapiens
62 <400> SEQUENCE: 4
64 Glu Arg Lys Cys Cys Val Glu Cys Pro Pro Cys Pro
65 1 5 10
67 <210> SEQ ID NO: 5
68 <211> LENGTH: 12
69 <212> TYPE: DNA
70 <213> ORGANISM: Homo sapiens

invalid Per 1.823(d) new sequence rules,
the <213> response is either
Unknown, Artificial Sequence, or
Scientific name
(Genus/species)

one of the three

Please give source
of genetic material
in <223> response
(see circled portion
of Item 12 on Enov
summary sheet)

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/375,924A

DATE: 11/30/2000
TIME: 11:13:28

Input Set : A:\abgx-2 cip.ST25.txt
Output Set: N:\CRF3\11302000\I375924A.raw

144 <223> OTHER INFORMATION: primer 4
147 <400> SEQUENCE: 10
148 qccggaattc qgtacgtgcc aagcaccctc gtgc

34